

Dkt. 76786/JPW/ACK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Peter David East and Susan Elizabeth Brown
Serial No.: 10/590,539 Examiner: Gangle, B.J.
Filed : May 30, 2007 (\$371) Group Art Unit: 1645
For : ANTIFUNGAL PEPTIDES

30 Rockefeller Plaza, 20th Fl.
New York, New York 10112
January 6, 2010

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**NOTICE OF APPEAL FROM THE EXAMINER'S DECISION
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Final Rejection mailed July 6, 2009 finally rejecting claims 6, 8-10, 13 and 15 in the above-identified application.

Applicants are concurrently filing a Petition for a Second and Third-Month Extension of Time. With a second and third-month extension of time, the subject application is pending as of today, January 6, 2010. Accordingly, this Notice of Appeal is being timely filed.

The required fee for filing a Notice of Appeal under 37 C.F.R. §1.17(b) is FIVE HUNDRED FORTY DOLLARS (\$540.00) and a check for this amount is enclosed.

01/11/2010 CCHAU1 00000032 10590539

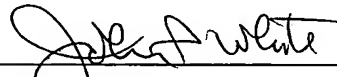
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No fee, other than the enclosed \$540.00 fee for filing a Notice of Appeal, is deemed necessary in connection with the filing of this Notice Of Appeal. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

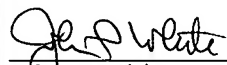
Respectfully submitted,



John P. White
Registration No. 28,678
Attorney for Applicants
Cooper & Dunham, LLP
30 Rockefeller Plaza, 20th Floor
New York, New York 10112
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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John P. White
Reg. No. 28,678

1/6/10

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